

Appl. No. : 10/689,343  
Filed : October 20, 2003

### REMARKS

By way of summary, Claims 1-28 were originally filed in the present application. Claims 5, 19, 21-24, and 26-28 have been amended. Accordingly, Claims 1-28 are pending.

Claims 5, 19, and 21 have been amended to correct typographical errors. The claim amendments have not altered the claim scope and are not made for patentability.

### Allowed Claims

Applicants acknowledge with appreciation the allowance of Claims 1-21 and 25.

### Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication of the allowability of the subject matter of Claims 22-24. Claims 22-24 have been amended and now are in condition for allowance.

### Claim Objections Are Now Moot

The Examiner objected to Claims 22 and 28 based on informalities. Claim 22 has been amended and now depends from Claim 21. Claim 28 has been amended and now depends from Claim 27. These claim amendments are not made for patentability purposes. Withdrawal of the objections of Claims 22 and 28 is respectfully requested.

### All Pending Claims Now Fully Comply with 35 U.S.C. § 112

With respect to Claims 22-24 and 28, the Examiner has stated that there is insufficient antecedent basis for "The marine drive" limitation in the claim. Claims 22-24 have been amended and now depend from Claim 21. Claim 28 has been amended and now depends from Claim 27. These claim amendments are not made for patentability purposes. Withdrawal of the rejections of Claims 22-24 and 28 under 35 U.S.C. § 112, second paragraph is respectfully requested.

### Claims 26-28 Are Novel Over Okita

Claims 26-28 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,408,230 to Okita. Applicants do not agree with the characterization of the reference set forth

Appl. No. : 10/689,343  
Filed : October 20, 2003

by the Examiner nor with the rejection of the claims. Nevertheless, to expedite the issuance of the other pending claims, Applicants have amended Claims 26 and 27 to more clearly distinguish these claims over the applied reference. Applicants reserve the right to pursue at a later date claims similar to the original claims.

#### Okita Reference

Okita discloses a remote control system for marine propulsion units. In particular, Okita teaches having an actuator unit 18 that is separated from the marine propulsion unit 11. As shown in Figure 1, the actuator unit 18 is at one end of the cable 17 while the marine propulsion unit 11 is at the other end of the cable 17.

#### Claim 26

Amended Claim 26 recites:

A watercraft comprising a marine drive, a shift operating device and a control device, the marine drive comprising a drive unit supporting a propulsion device, a transmission coupled with the propulsion device, and a shift mechanism arranged to move the transmission between a first position in which the propulsion device is set to a first mode and a second position in which the propulsion device is set to a second mode, the shift mechanism comprising a shift unit movable between a first shift position and a second shift position, the transmission moving to the first position while the shift unit moves toward the first shift position, the transmission moving to the second position while the shift unit moves toward the second shift position, and an electrically operable shift actuator supported by the drive unit and having an actuating member coupled with the shift unit, the shift operating device providing a shift position command to the control device, the control device controlling the shift actuator to move the actuating member based upon the shift position command, the shift operating device having a control member movable between a first control position corresponding to the first shift position and a second control position corresponding to the second shift position, and a position sensor arranged to sense a control position of the control member or a shift position of the shift unit and to send a shift position command signal to the control device.

Okita does not disclose, *inter alia*, an electrically operable shift actuator supported by the drive unit and having an actuating member coupled with the shift unit. Thus, because Okita does not teach or suggest each and every limitation of Claim 26, Applicants submit that Claim 26 is in condition for allowance.

#### Claims 27 and 28

Amended Claim 27 recites:

A watercraft comprising a marine drive, an internal combustion engine, a shift operating device and a control device, the marine drive comprising a drive body supporting the propulsion device powered by the engine, a transmission coupled with the

Appl. No. : 10/689,343  
Filed : October 20, 2003

propulsion device, and a shift mechanism arranged to move the transmission between a first position in which the propulsion device is set to a neutral mode and a second position in which the propulsion device is set to a propulsion mode, the shift mechanism comprising a shift unit movable between a first shift position and a second shift position, the transmission moving to the first position when the shift unit moves to the first shift position, the transmission moves to the second position when the shift unit moving to the second shift position, and an electrically operable shift actuator supported by the drive body and having an actuating member coupled with the shift unit, the shift operating device providing a shift position command to the control device, the control device controlling the shift actuator to move the actuating member based upon the shift position command, the shift operating device having a control member movable between a first control position corresponding to the first shift position and a second control position corresponding to the second shift position, and a neutral position sensor arranged to sense the control member placed at the first control position or the shift unit placed at the first shift position and to send a neutral position command signal to the control device.

Okita does not disclose, *inter alia*, an electrically operable shift actuator supported by the drive body and having an actuating member coupled with the shift unit. Thus, because Okita does not teach or suggest each and every limitation of Claim 27, Applicants submit that Claim 27 is in condition for allowance. Amended Claim 28 depends from Claim 27 and is patentable over Okita for at least the same reasons as Claim 27.

Appl. No. : 10/689,343  
Filed : October 20, 2003

**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 18, 2005

By: 

William H. Shreve  
Registration No. 35,678  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404